



**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number (Optional)
056103-5072-07

First named inventor: George B. ROCKSTEIN et al.

Application No.: 09/346,859

Group Art Unit: 2876

Filed: July 2, 1999

Examiner: A. Sanders

Title: AUTOMATIC LASER SCANNING SYSTEM AND METHOD OF READING BAR CODE
SYMBOLS USING SAME

Attention: Office of Petitions

Mail Stop Petition

Commissioner for Patents

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OFFICE OF PETITIONS

NOTE: If information or assistance is needed in completing this form, please contact
Petitions Information at (703)305-9282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee -- required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee

Small entity - fee \$_____ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.
 Other than small entity - fee \$1,330.00 (37 CFR 1.17(m))

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in
the form of an Amendment (identify type of reply):

has been filed previously on _____.
 is enclosed herewith.

B. The issue fee of \$

has been paid previously on _____.
 is enclosed herewith.

[Page 1 of 2]

Burden Hour Statement: This form is estimated to take 1.0 hour to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO:
Assistant Commissioner for Patents, Washington, DC 20231.

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Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

3. Terminal disclaimer with disclaimer fee

Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$____ for a small entity or \$____ for other than a small entity) disclaiming a period equivalent to the period of abandonment is enclosed herewith (see PTO/SB/63).

4. Statement. The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c)(III)(C) and (D))].

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

July 23, 2004

Date

Signature

Telephone
Number: (202) 739-3000

Robert J. Goodell, Reg. No. 41,040

Typed or printed name

Morgan, Lewis & Bockius LLP

Address

1111 Pennsylvania Avenue, N.W., Washington, D.C.
20004Enclosures: Fee Payment

Reply

Terminal Disclaimer Form

Additional sheets containing statements establishing unintentional delay

Other :

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(A)]

I hereby certify that this correspondence is being:

deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Box DAC, Washington, D.C. 20231.

transmitted by facsimile on the date shown below to the Patent and Trademark Office at (703) 308-6916.

Signature_____
Date_____
Typed or printed name of person signing certificate

MEMORANDUM

Morgan Lewis
COUNSELORS AT LAW

TO: File 1274-024G
U.S. Patent Application No. 09/346,859

FROM: Steve Bartholomew

DATE: January 22, 2002

SUBJECT: Outstanding Office Action

I spoke with Examiner A. Sanders on Wednesday, January 16, 2002, regarding the outstanding Office Action for the above-referenced case. Although we previously filed a Preliminary Amendment asserting newly-drafted claims 87-94, the Examiner's Action only referred to claims 1-86. Pursuant to the Examiner's request, we faxed her a copy of our Preliminary Amendment. The Examiner stated that she will be sending us a Supplemental Office Action shortly which considers the previously-added claims (87-94). The period for response will be set anew; according to the Examiner, we need not respond to the existing outstanding Office Action of October 15, 2001 which improperly excluded claims 87-94 from consideration.

SRB

c: Carolyn Cuffari